



**Town of Arlington, Massachusetts**  
**730 Massachusetts Ave., Arlington, MA 02476**  
**Phone: 781-316-3000**

**webmaster@town.arlington.ma.us**

## **Minutes 03/18/2013**

### **TOWN OF ARLINGTON BOARD OF SELECTMEN**

#### **Meeting Minutes**

**Monday, March 18, 2013**

7:15 p.m.

Present: Mr. Greeley, Chair, Mr. Dunn, Vice Chair, Mrs. Mahon, Mr. Byrne and Mr. Curro

Also present: Mr. Chapdelaine, Ms. Rice and Mrs. Krepelka

Mr. Greeley asked for a moment of silence in memory of Brian "Muzz" Murray, an Arlington arborist and member of our Tree Committee, who passed away suddenly on Thursday, March 14th. Mr. Murray was a long time Arlington resident and was instrumental in bringing the Intercity League Baseball back to Arlington in 2010.

Introduction: Master Plan Consultant, Judi Barrett, Community Opportunities Group  
Mr. Greeley welcomed Ms. Barrett and thanked her for coming to Arlington. He stated the Board was committed to working with her.

#### **FOR APPROVAL**

1. **CONSENT AGENDA** (one vote required for approval of all items)
    - a. **REAPPOINTMENTS**  
Arlington Historic Districts Commission  
David Baldwin  
Jonathan Nyberg  
(terms to expire 04/2016)  
Martha Penzenik  
(term to expire 07/2016)
    - b. Request: Hardy School PTO Walkathon, May 3, 2013, 2:15 p.m.-4:00 p.m.  
Betsy Crimmins, Walkathon Committee
    - c. Request: Two One Day All Alcohol Licenses, 3/23/13 'Quiz Night Annual Fundraiser and 4/26/13, '\$10,000 Drawing' @ ACHS Gym  
Lee-Ann Pepicelli-Murray, Arlington Catholic High School
    - d. Request: One Day All Alcohol License, 3/30/13, Comedy/Music Benefit for Patriots' Day Parade @ Robbins Memorial Town Hall Auditorium  
William F. McCarthy, Patriots' Day Parade Committee
- Mr. Curro moved approval subject to all condition as set forth. SO VOTED (5-0)

#### **LICENSES & PERMITS**

7:15 p.m. Public Hearing

2. Request: All Alcohol License and Common Victualler License  
Huanhuan Lin/Sono Restaurant Inc., d/b/a Sono Asian Cuisine, 469 Summer St.

Mr. Dunn suggested that Mr. Lin work with his neighbors by introducing himself

to all the surrounding neighbors.

Mr. Byrne said he is very happy that Mr. Lin is seeking licenses for this location and that the space is finally being utilized.

James Tsihlis, 2 Glenbrook Road, stated he was concerned about the water problems in the basement of said building, parking conditions and the dumpster in back of building. He is very concerned about how they will be getting in and out to collect the waste behind the building and where the grease buckets are being located.

Mary Dischino, 15 Glenbrook Road, is concerned about the enforcement of the alcohol license. She is concerned because of all the teenagers that will be at the park and also how they are going to handle the waste material from said establishment.

Mr. Curro and Mr. Dunn both spoke about the Board's strict enforcement of their alcohol licenses and suggested that all their employees be well aware of all rules and conditions.

Mr. Dunn moved approval subject to all conditions as set forth. SO VOTED (5-0)

3. Request: Common Victualler License  
Anthony Masci d/b/a Anthony's Eastside Deli, 159 Massachusetts Avenue  
Mrs. Mahon moved approval subject to all conditions as set forth. SO VOTED (5-0)

4. Request: Common Victualler License  
Aneesh Bhambri d/b/a Yummy's, 474 Massachusetts Avenue  
Mrs. Mahon moved approval subject to all conditions as set forth. SO VOTED (5-0)

#### TRAFFIC RULES & ORDERS/OTHER BUSINESS

5. Request: Residential Handicap Parking @ 120 Varnum Street  
Victor M. Carvalho  
Mr. Dunn moved approval subject to all conditions as set forth. SO VOTED (5-0)

6. Vote: Letter concerning Belmont Uplands-Silver Maple Forest  
Joseph A. Curro, Jr., Selectman  
Mr. Curro moved to table indefinitely. SO VOTED (5-0)

#### 7. WARRANT ARTICLE HEARINGS

Article 9 Grant of Easements/Thompson School  
(tabled from 3/11/13 meeting)  
Mr. Dunn stated he was concerned about possibly needing to change the easement in the future.  
Mr. Curro moved favorable action. SO VOTED (4-1)  
Mr. Dunn voted in the negative.

Article 16 Bylaw Amendment/Safe Streets  
(tabled from 2/25/13 meeting)  
Town Manager Chapdelaine stated the bylaw doesn't set a standard for road projects to meet and may not be applicable or enforceable in most situations. Mr. Greeley stated that the Board agrees with the intent but it is the applicability of it. Mr. Greeley also stated that he can't think of any project where the Board did not think of pedestrian safety first.  
Mr. Curro moved no action. SO VOTED (5-0)

Article 19 To Reestablish the Noise Abatement Committee

The Board thanked Ms. Leary for bringing this issue before them, but has concerns about reestablishing this committee.

The Selectmen will meet with Ms. Leary, Mr. Curro, Mrs. Mahon, Director of Public Health, Christine Connolly, and Town Manager Chapdelaine to look at whether it is feasible to establish a new noise committee.

Mrs. Mahon moved no action.

SO VOTED (5-0)

Article 22 Home Rule Legislation/Municipal Finance Department

The Selectmen recommended no action on this article. Mr. Chapdelaine stated that the Finance Committee expressed concerns about the proposal leading him to believe that the Town is not yet ready to move forward with it.

Mr. Hayner, speaking as a Town Meeting Member stated to his knowledge the School Committee never voted to be part of the DOR study report. Mr. Chapdelaine stated that he disagreed with Mr. Hayner and that Diane Johnson, CFO School Department, and Payroll Director, Julie McLaughlin, were on the Coordinated Finance Stakeholder Group.

Stephen Gilligan, Town Treasurer/Collector stated that the DOR Report has never been vetted. Mr. Gilligan stated that the Town Manger Act is already strong enough without giving the Town Manager additional authority.

Ms. Jennifer Watson, Town Meeting Member, agreed with Mr. Gilligan. As a voter, she thinks checks and balances have been built into Arlington's Town Manager Act. She feels that one can't be hasty in making important changes.

Mr. Chapdelaine stated that the CFSG as part of its process went through all the findings of the DOR report and discussed them as a group. Mr. Chapdelaine stated the Town should continue to pursue financial coordination in the future.

Mr. Byrne, a member of the group stated they worked diligently on several topics, and hopes to address it again in the not so faraway future which he thinks is in the best interest of the Town. Mr. Curro also stated the reorganization should happen in the future.

Mr. Dunn and Mr. Greeley stated they are committed to the reorganization and feel that this is very important for our future.

Mrs. Mahon moved no action.

SO VOTED ( 4-1)

Mr. Greeley voted in the negative.

Article 23 Home Rule Legislation/Public Art Fund

Mr. Byrne moved approval.

SO VOTED (5-0)

Article 27 Endorsement of CDBG Application

Mr. Dunn moved to table until 4/1/13 meeting.

SO VOTED (5-0)

Article 28 Revolving Funds

Mrs. Mahon moved approval.

SO VOTED (5-0)

STM Article 2 Bylaw Amendment/Leaf Blowers

Mrs. Mahon moved approval.

The Selectmen voted unanimously to recommend favorable action.

SO VOTED (5-0)

STM Article 4 Bylaw Amendment/Sale of Drinking Water in Single-Serve Pet Bottles

Amy Currul proposed a bottle water ban for Arlington and presented her arguments to the Board of Selectmen as to why we should have a bottle water ban. Also in support of the Article were Sonia Zacher and Marina Milan. Ms. Currul stated that buying soda should not be the natural alternative to buying bottled water, but carrying a reusable water bottle should be the natural alternative. Although the Board did not support her Article, the Board commended her for the work that she has done and feel that it is better handled at the state level. Mr. Curro stated they should start at the high school to remove plastic water bottles.

Ms.Currul stated that she plans to go before Town Meeting with her article.

Sean Harrington, 10 Woodside Lane, Precinct 15, spoke against the proposed ban. He feels this ban takes away residents' freedom of choice.

Christian Klein, 54 Newport Street, Brackett School Coordinator, stated that they sell bottle water at all their events at the Robbins Farm and asked if there could be an exception for all "outdoor" events so that children can have access to bottle water.

Ms. Currel stated that she agreed with Mr. Klein's request and thanked the Board for hearing them.

Mrs. Mahon moved no action.

SO VOTED (5-0)

## 8. FINAL VOTES AND COMMENTS

Article 13 Bylaw Amendment/Animal Control Regulations

Article 14 Bylaw Amendment/To Allow Self-Serve Gasoline

Mr. Byrne moved approval.

SO VOTED (5-0)

Article 15 Bylaw Amendment/Regulation of Utility Poles

Mr. Curro moved approval.

SO VOTED (5-0)

## Correspondence Received

Greg Watt Tree Committee Member Resignation  
26 Franklin Street

Be Rec'd

Mrs. Mahon moved receipt of correspondence received.

SO VOTED (5-0)

## New Business:

Mr. Chapdelaine stated that he would be sending a letter to Senator Brownsberger and the Joint Committee on Environment, Natural Resources and Agriculture regarding the ABC Stormwater Flooding Board. The Joint Committee has been working to eliminate any adverse effects of flooding and other hazards in the Alewife sub-watershed area.

Mrs. Mahon thanked Mr. Chapdelaine for his memo regarding the Comprehensive Salary Study.

Mrs. Mahon suggested that after the Town Election maybe the Board would like to have a joint meeting with the School Committee. Mr. Byrne will talk to Dr Ampe to arrange a meeting in the future.

Mr. Byrne congratulated Arlington Catholic Girls Hockey on being the runner up team in the Girls State Hockey Division 1 Tournament at the TD Garden Sunday morning. AC surrendered a late goal to lose 2-1 to St. Mary's.

Mr. Curro stated he attended the MMA Breakfast in Acton last week. He also had the chance to talk to Representative Kate Hogan regarding state initiatives around our utility pole maintenance.

Mr. Curro also attended the Arlington Fire & Police Dept./Guns & Hoses hockey game on Friday evening at the rink. He was very impressed with some of our skaters on the Fire and Police Departments.

Mr. Dunn reported that the Long Term Planning Meeting has been postponed and will be held at a later date.

Mr. Greeley asked the Board if they would appoint him to talk with the Town Manager regarding contract year two salary adjustments.

Executive Session: Mr. Greeley made motion to go into Executive Session to discuss strategy with respect to litigation (the case of Bouris and Coughlin v. Town of Arlington et al) where having this discussion in an open meeting may have a detrimental effect on the litigating position of the Town and where the chair could not reasonably have anticipated the need for this discussion at the time this meeting was posted.

Mrs. Mahon moved to convene in Executive Session at 10:47 p.m.  
The Board will come out of Executive Session to adjourn.

Roll Call:

On Mrs. Mahon's motion:

Mr. Curro:	yes
Mr. Dunn:	yes
Mr. Greeley:	yes
Mr. Byrne:	yes
Mrs. Mahon:	yes

Mr. Greeley made a motion to adjourn executive session.

SO VOTED (5-0)

Roll Call:

Mr. Curro:	yes
Mr. Dunn:	yes
Mr. Greeley:	yes
Mr. Byrne:	yes
Mrs. Mahon:	yes

Mrs. Mahon made a motion to adjourn at 10:55 p.m.

SO VOTED (5-0)

A true record: Attest

Marie A. Krepelka  
Board Administrator

Next schedule meeting of BOS April 8, 2013

3/18/13 Documents

Agenda Item Documents Used

1. (a) Reappointments: Arlington Historic Districts Commission David Baldwin, Jonathan Myberg and Martha Penzenik

1. (b) 1. (c) Request: Hardy School PTO Walkathon, May 3, 2013 Request: Two One Day All Alcohol Licenses 3/23/13 "Quiz Night Annual Fundraiser and 4/26/13 \$10,000. Drawing @ ACHS Gym Request: One day All Alcohol License, 3/30/13 Comedy/Music Benefit for Patriot Day Parade @ Robbins Memorial Town Hall Auditorium

2. Request: All Alcohol License and Common Victualler License Huanhuan Lin/Sono Restaurant Inc., d/b/a Sono Asian Cuisine, 469 Summer St.

3. Request: Common Victualler License Anthony Masci d/b/a Anthony's Eastside Deli, 159 Mass. Avenue

4. Request: Common Victualler License, Aneesh Bhambri d/b/a Yummy's 474 Mass. Avenue

5. Request: Residential Handicap Parking at 120 Varum Street

6. Vote: Letter concerning Belmont Uplands Silver Maple Forest

7. Warrant Article Hearings, Articles 9, 16, 19, 22, 23, 27, 28, STM 2, STM 4

8. Final Votes and Comments, Article 13, 14, 15

9. Correspondence Received - Greg Watt, 26 Franklin Street

